

**CITY OF PLATTSBURGH  
PLANNING BOARD MEETING MINUTES  
AUGUST 25, 2014**

Chairman Rotella called the City of Plattsburgh Planning Board Meeting to order at 7:04 PM

**PRESENT:** Joseph Rotella  
Craig Worley  
Jim Abdallah  
Gerald Hofmaister  
Bill Ferris  
Karen Ricketson  
Curt Gervich

**ALSO PRESENT:** Kevin Farrington, P.E., City Engineer

**ABSENT:** Mark Tiffer (Alt.)

PB#2014-13 Randy Carter  
Kathy McCleery

PB#2014-15 Terry and Joanna Goldfarb

*First Item on the Agenda was to accept as written the minutes of the July 28, 2014 Planning Board meeting.*

*By Mr. Worley;  
Seconded by Mr. Ferris*

*All in Favor: 7  
Opposed: 0*

*Motion Passed*

**The second item on the agenda was PB# 2014-13: 124 Margaret Street**

- A. Short Form SEQR.
- B. **HISTORIC SITE REVIEW:** Review request to repair wall damages.  
**APPLICANT:** Randy Carter. **PLAN PREPARER:** Randy Carter.

Mr. Rotella: What number is this building?

Mr. Carter: Clarified the address to 124-134 Margaret Street. I appreciate the opportunity to appear in front of you. What we want to do is something consistent with the neighborhood. We want to duplicate what the church has under gable or white like materials. In your package, there is a shot at the gable end. [Pictures submitted with the planning board application]. What they have are vertical panels with lines in them. We would match that and do a decorative product on the bottom like the red. It would be a little different. We wouldn't match it exactly but do something more rectangular. We would stay with a masonry-base. We would repair the brick up to the top of the wall line. We're just seeking to do the gable end, which is probably about 9 square feet of material. We're looking to do 100 square feet in a cement-based panel with the decorative design in the bottom also made out of cement-based material.

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Mr. Carter: Up to the wall line to the top of the third story. Then we can do the gable end only – like the church has with their gable end but we do our design maybe a little different – maybe rectangular design instead of triangle.

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1. It will be more of a stable product obviously. We had 500 s.f. of brick come off that wall so that would be more of a stable product. It's consistent with the neighborhood. The Old Court House has got probably 200' of wood on it. The bank has a couple of hundred feet of wood. TD Bank has probably 300 ft. of shingles on the top of their wall line so what I'm asking is consistent with what's in the neighborhood. It's a masonry product. It's more stable and more cost effective for us. It's actually putting that building back in services. It's time that building starts looking good and this will take half the time in what it would take to set up and brick that to the peak.

That's why we're requesting this. I think it does stay consistent with the neighborhood. I didn't want to carelessly come with a product - it will be similar to what the church has when they did the slate roof. In the 90's. The products in the church gable aren't original products. They look like a modern product.

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Mr. Rotella: Questions? We have a letter from NYS Office of Parks, Recreation and Historic Preservation (SHIPO). They referred us to a goggle earth map of the building.. Have you received this?

Mr. Carter: No.

Mr. Rotella: We have to give them 30 days to respond of what their recommendations being this is historic etc. I believe that picture shows what SHIPO is leading towards for the restoration. But we don't have a definitive answer from them yet. I recommend we table this until we hear from SHIPO. What do you ladies and gentlemen think?

Mr. Abdallah: Their initial question is - the way I understand it - is how did the gable end get changed or when did the change occur. Do you when?

Mr. Carter: The whole parapet was de-stabilized so we had to literally take a brick at a time down. When the wall came down, it came down in the middle of the parapet wall but the rest of it - we had an engineer there the next morning - Larry Jeffords and the rest of that brick was all destabilized and had to be removed. It wasn't an option.

Mr. Abdallah: So the actual step in the parapet itself was actually removed within the last couple of weeks?

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Mr. Abdallah: At this point, for the record, the applicant indicated that had to be removed based on structural concerns. At least to answer SHIPO's question as to what happen to it.

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Ms. Ricketson: At the other end of your building that's right tight to the building the bank is in, does that have the same parapet wall?

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Ms. Ricketson: Are those 2 buildings connected or not?

Mr. Carter: Yes they run into each other.

Ms. Ricketson: Is there any space or do they share a wall?

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Mr. Worley: So you're building is asphalt shingles or rubber?

Mr. Carter: Our building is brick up to the top of the wall line. Then there is a metal roof on the roof. You can't see it very well because it's so high.

Mr. Hofmaister: If you restore the building to what the picture was – what would you have to do to keep it from happening again.

Mr. Carter: We have more modern methods. There is going to be wall ties and properly sheaved.

Mr. Ricketson: Even if you put the parapet back on?

Mr. Carter: I'm sure the parapet will last a number of years and we will do it better than they did it back then. Part of the reason it failed was due to that design. If there was a roof on the church that brick would still be sitting up there. We wouldn't have had 500 feet falling off there. Seven thousand (7000) bricks came off there.

Mr. McCleery: Yes they did. Literally.

Mr. Carter: It's not a great situation and part of the reason that happen was due to the parapet wall design failure, as per the engineers.

Ms. Ricketson: I've seen SHIPO before and if this building is sitting on some list/some place as historic, and they had the question from google earth as to what it looked like and what happen to all that, we now understand it happened in the fall and had to be taken off and part of the cause. I can't believe SHIPO will come back and approving anything that isn't like material. That is just from what's I've seen over 14 years of sitting on this board.

Mr. Carter: It's not historic building but in the district.

Ms. Ricketson: My understanding is that building is sitting on some list and I don't know how it got on that list for NYS as a historic building. Whether there was some grant funding at some point and then they had to be listed as that but it's listed on NYS list as a historic building. Isn't that what we were told?

Mr. Farrington: It got referred here from the Building Inspector based on some designation it's historic. That's all I know.

Ms. Ricketson: You might want to check with the Building Inspector's Office too.

Mr. Carter: The first time we spoke of it was the day after the incident. They said it was in the district but not a register as a historical building.

Ms. Ricketson: OK.

Mr. Carter: So like materials we have to go back with brick all the way.

Ms. Ricketson: Right and put the parapet back too.

Mr. Carter: The parapet as well.

Ms. Ricketson: And actually after seeing that goggle earth that makes that building look really part of the downtown feeling. It's not on historic register but all the other brick and everything else with the detail up on the roof it fits.

Mr. Carter: Right.

Ms. Ricketson: I understand your concern – just its part of why it failed and probably going to be a maintenance issue for you now that you're aware of this.

Mr. Carter: One thing going forward it's going to take triple the time and probably triple the cost to put it back together. Just so I understand is their determination final or is there any other remedy for me if they say you have to put it back.

Mr. Rotella: It's a recommendation. We can take the recommendation, not take it, modify it.

Mr. Farrington: Any planning board decision can be challenged in the courts through an Article 78 proceeding.

Mr. Carter: I wouldn't go that far. I just didn't know if you had any local discretion to act on your own recommendation as a board.

Mr. Rotella: We're being a little cautious because we've been slapped by SHIPO before from them.

Mr. Farrington: SHIPO aside – what are the thoughts of the board as far as your review, regardless of SHIP.

Ms. Ricketson: Put it back with the brick.

Mr. Worley: I would tend to agree with that to keep the historical nature of that building.

Mr. Abdallah: To stay consistent with previous findings. Yes.

Mr. Ferris: Brick.

Mr. Carter: Let me ask you this. Would it be a possibility to put it back with like materials with brick and do instead of parapet walls – do an overhang like the church has? Would that be an option? Instead of the parapet wall?

Ms. Ricketson: I am going to defer to you guys – can you make it look like it's a parapet wall and it not be one?

Mr. Carter: It's either going to look like a parapet wall or a gable end like the church. One or the other.

Mr. Abdallah: It's going to look like a standard roof overhang on a gable end. And the brick will be able to terminate right at the underside of the roof deck.

Ms. Ricketson: So I guess that answers my question – you can't fake it.

Mr. Abdallah: Right.

Mr. Ferris: What year was the building built?

Mr. Carter: I'm thinking 1890's – 1900's.

Mr. Ferris: But it's all original brick work?

Mr. Carter: Pretty much.

Ms. Ricketson: This is the first brick failure that you're aware of? How long have you owned the building?

Mr. Carter: 10 years probably. This is the first failure.

Ms. Ricketson: That's pretty darn good – over a 100 years.

Mr. Carter: So are we tabling this or is this just how you feel right now regardless?

Mr. Rotella: That's my recommendation. If you guys want to proceed, we can proceed without SHIPO's recommendation. It seems everyone wants to restore back with the brick.

Ms. Ricketson: That's the way I'm feeling right now. If SHIPO comes and blows us completely out of the water with something else...

Mr. Rotella: We don't have to take their recommendation.

Ms. Ricketson: No we don't have to but what I'm saying is I'd like to hear what they have to say.

Mr. Rotella: The board consensus is everybody wants to see it restored back to the way it was.

Mr. Abdallah: The applicant also has the option of also corresponding with SHIPO on any kind of proposal on the building. If you wanted to seriously consider moving forward with an alternative repair plan, you have the option of approaching SHIPO with your repair plan.

Mr. Carter: No I'm confident with the judgment is ruled. I don't really need to do that.

Mr. Worley: I think we're prepared to OK it according to what we have just discussed. That's our comfort level with SHIPO but if you're ok with that we can probably get that done.

Ms. Ricketson: If you want to wait and hear what SHIPO has to say – you can do that too.

Mr. Carter: Technically are you thinking they will say put it back like it was.

Mr. Rotella: Yes.

Mr. Ferris: That's always a safe bet where they are concerned.

Mr. Farrington: The one question was what happened to that parapet wall so it seems like that is what they are looking at and what they are looking for. It's hard to say what they are thinking but that was the one question they came back with is what happened to that wall.

Mr. Rotella: So what do you think Randy do want to move on.

Mr. Carter: The last clarification – in the picture – the top of that parapet wall years ago when it didn't meet the level of review by the rules back then it was stucco'd but the original was all brick. Let's just be done with it and put it back the way it was. Why postpone it 30 days what's going to be....

Ms. Ricketson: Yes and you're pushing on the building season and you want to get your building done.

Mr. Worley: One more question – is your intent to paint that the same color afterword's?

Mr. Carter: Yes.

Secretary: Same color?

Mr. Carter: Yes

Mr. Abdallah: In that goggle earth photo – there are 2 additional windows up top. Are those vents?

Mr. Carter: Yes. I don't know when that happen. Years ago they were windows but at some point before I ever bought it they changed it to vents because the apartments were long done away with.

Ms. Ricketson: So you're putting the vents back in.

Mr. Carter: Right.

***MOTION LONG FORM SEQR:***

***By Mr. Worley, seconded by Ms. Ricketson:***

***Negative Declaration.***

***All in Favor: 7***

***Opposed: 0***

***Motion passed.***

***MOTION ON HSR 124-134 MARGARET ST.:***

***By Mr. Worley, seconded by Mr. Ferris***

***TO GRANT PERMISSION TO MAKE THE REPAIRS AT 124-134 MARGARET STREET, TO INCUDE THE PARAPET TOP OF THE STRUCTURE AND BRING BACK SAME AS THE PICTURE OF GOOGLE EARTH, WITH BRICK MATERIALS, PAINTED THE SAME COLOR, WITH CONCRETE CAP STONE***

***All in favor: 7***

***Opposed: 0***

***Motion passed.***

The third item on the agenda was PB# 2014-15: 5 and 7 Draper Avenue.

A. Short Form SEQR.

B. **PRELIMINARY SUBDIVISION REVIEW:** Request to subdivide 5 foot strip of land from 5 Draper and add to 7 Draper Avenue. **APPLICANT:** Terry & Joanna Goldfarb. **PLAN PREPARER:** Dean Lashway, L.S., PC.

Mr. Goldfarb: I didn't know if I was supposed to take pictures.

Mr. Rotella: You're taking 5' from 5 Draper Avenue and adding to 7 Draper Avenue. What will that do for you.

Mr. Goldfarb: Give us a bigger garage that we had. This garage that came with the house – the house was built in 192 and it had an 11 x 12' so we put our car in there. There was barely enough room to get the door open. It burned in May of this year and we are rebuilding. I would have liked to go 20 or 24 but the zoning said I couldn't. But they said I could build an 18' wide x 24'. We got the variance and they approved both – one for the 5' and to build on the property line. The garage is more in the driveway instead of into my yard.

Ms. Goldfarb: Because we own the property next to it.

Mr. Rotella: How many units are in 5.

Mr. Goldfarb: It's a single family.

Mr. Farrington: Some of the numbers that Dean put together are a little off on the Bulk Control Schedule. He wrote that 5 is an 8,000 square feet lot and that there is only 785 square feet per dwelling unit but there's not. There is only one dwelling unit so there is 8,000 square feet per dwelling unit. I will write a few comments and send it back to Dean so he can correct the Bulk Controls table.

Mr. Goldfarb: They made 5 Draper Avenue 60-foot wide and 7 Draper Avenue (our house) is 40'. It would have been nice if they did 50 and 50.

Mr. Ferris: So what building do you live in?

Mr. Goldfarb: 7.

Mr. Ferris: And you rent 5?

Mr. Goldfarb: Yes.

Mr. Ferris: I don't see a problem with this. Does anybody have a question on it?

Ms. Ricketson: It's the garage that's going to be right on the property line?

Mr. Goldfarb: Yes that's correct.

Mr. Ferris: Right on the property line?

Mr. Goldfarb: The old garage was right on the property line and I asked them for a variance to build the new garage on the new property line, which is 5'. I wanted 10' but they wouldn't allow that. In case I ever wanted to sell that property.

Mr. Hofmaister: What would it take to get a lot line adjustment ordinance so the City Engineer can do this discretionary instead of bring it before the board. This is pretty slam-dunk frankly.

Mr. Rotella: With that being said, can I get a motion on the SEQR.

Mr. Abdallah: Shouldn't we reference the zoning variance on the subdivision map? So we're clear of the variance that goes with each lot.

Mr. Farrington: If he does it right, he will. Is that the right appeal #?

Secretary: I believe there were 2 appeal numbers.

Mr. Farrington: Clarifies it was Appeal #2002, he has 2001 listed so that's another correction. Unless there was a previous appeal that was granted back in time. I don't know.

Secretary: Look in the front of the minutes. There should be 2 appeal numbers.

Mr. Farrington: In any case, that should be corrected. The variances in according to this was for exceeding the lot coverage by 2.75 total of 197 square feet so the max building coverage is 25% and you would be slightly over.

Mr. Goldfarb: The new garage to build it on the new property line will make it 10' from my rental house and they were happy with that. I wanted to 5' but they said that was too close.

Ms. Ricketson: Especially since you just had a fire.

Mr. Abdallah: Assuming the other variance was for 5 Draper where your lot line is getting closer?

Mr. Goldfarb: I think it was due to me reducing that lot size.

Secretary: The Class B Variance #2001 – was to subdivide substandard lot width from 60' to 50'. An existing structure will be too close to the lot line. Variance #2002 was to erect a new garage too close to the property line and will exceed the maximum lot coverage.

Mr. Farrington: So lot 5 gets reduced in width right now – the side lot line is 11' and that will be reduced to 6' and that's what one variance was granted for.

*MOTION:*

*By Mr. Ferris, seconded by Mr. Gervich*

*Negative Declaration*

*All in favor: 7*

*Opposed: 0*

*Motion passed*

Mr. Farrington: This is preliminary.

Mr. Rotella: Is this preliminary? Does it have to be preliminary?

Mr. Farrington: Yes.

Mr. Goldfarb: Can I ask that you guys make a decision on that tonight – to get the garage going?

Mr. Farrington: No but you can do whatever you want. I know it's not being challenged by anyone.

Ms. Ricketson: We can give them the guidance of what we're going to do but according to code it has to be on the agenda 2 months because it's a subdivision. You have to come for a preliminary and then a final.

Mr. Rotella: What do you want to do. Come back next month.

Mr. Ferris: Is there going to be a problem. Do notices go out about the 500' within the property line?

Secretary: I don't that.

By Mr. Ferris:

***MOTION TO APPROVE THE SUBDIVISION OF 5 TO 7 DRAPER AVENUE AS SUBMITTED***

Mr. Farrington: For the record, I would caution you that the code requires a preliminary and final review of minor subdivisions. It actually requires 3 reviews for major subdivisions and 2 reviews for minor. I understand there is an explanation and you want to approve something quickly without 2 reviews but I would caution you that this creates a precedence. How are we ever going to stick to that code ever again for a minor subdivision if you approve this tonight. Now do whatever you want but for the record I want you to know the code requires a preliminary and final review.

Mr. Worley: That's my issue I have.

Ms. Ricketson: You only have a motion on the table correct?

Secretary: I have no second.

Ms. Ricketson: Does anybody want to second that motion to approve?

*No second on the motion.*

Mr. Rotella: Bill I need you to withdraw your motion.

Mr. Ferris: I withdraw the motion.

Mr. Rotella: We'll see you next month.

Ms. Ricketson: But can we send them off with that we're not having any problem with this – and give this a positive next month.

Mr. Hofmaister: I think our intention is pretty clear.

Mr. Rotella: It's also in the minutes.

Ms. Ricketson: Well I sat here and thought I understood what this board said many of times and then the next month we come back and all of a sudden they have flipped-flop completely. I'm just asking all my fellow board members did I hear you correctly that yes we have no problem.

Mr. Farrington: I would also stop short of an implicit approval. You don't want to imply an approval. Review happens for a reason and to go and apply this month and then next month a question might come up with a minor adjustment or what have you and now you have an implied approval so I think it's clear there is no major issues.

Mr. Goldfarb: I totally understand. Honest to god I do. Curtis is waiting for the order for the material. I have a guy that's lined up to help me. What would you do if you were me.

Mr. Farrington: There are a couple of corrections that need to be made on the Bulk Control Table.

Ms. Goldfarb: You only meet once a month? You can't meet sooner?

Mr. Farrington: The zoning board is the bigger hurdle and you've already cleared that so I think you are in pretty good shape to continue with your plans.

Mr. Goldfarb: Thank you.

Mr. Hofmaister: I still do have a question. How would we amend this so that this kind of case could be discretionary with City Engineer?

Mr. Farrington: I guess it would take an amendment to the subdivision code.

Mr. Hofmaister: Where would that be initiated? It wouldn't be initiated by this board would it?

Mr. Abdallah: Is the subdivision ordinance under review at all in terms of the overall..?

Mr. Farrington: No not the subdivision. It's not going to happen as the result of the comprehensive plan that's going on.

Mr. Abdallah: Is there any discussion of re-looking at zoning or subdivision ordinance in the future? Any discussion of that?

Mr. Farrington: Nothing serious right now. When we talk about comprehensive planning, it gets played out through provisions to the zoning code but that is in the early stages of the longer term plan.

Ms. Ricketson: Can it be done piecemeal? Could a recommendation from the board go to the Council and the Council do the steps that they need to and just change that particular part of the code?

Mr. Farrington: You can make a suggestion for a revision.

Mr. Ferris: How often will there be really simple ones like this.

Mr. Farrington: I think there is some value in having an antonymous board. You guys bring at least an element of common sense which we all know engineer's lack. I'm to black and white and by the book with it in pointing out minor discrepancies. Sometimes subdivisions are not always cut and dry.

[Meter 42:00 – Further discussion and hearing of subdivisions.]

Mr. Worley: Asked about the huge renovations to the Williams Street house. They took the 2<sup>nd</sup> floor right off the building. In-between Brinkerhoff and Court. Two doors down from the Catherine Gardens property.

*Motion:*

*To Adjourn:*

*By Ms. Ricketson, seconded by Mr. Worley*

***Adjourned: 7:47 PM***

For the purpose of this meeting, Denise Nephew, Secretary to the was present at this meeting and transcribed these minutes, which are a true and accurate description of the meeting.

Respectfully Submitted,  
Denise Nephew,  
Zoning & Planning Board Secretary

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Mr. Worley: So you're building is asphalt shingles or rubber?

Mr. Carter: Our building is brick up to the top of the wall line. Then there is a metal roof on the roof. You can't see it very well because it's so high.

Mr. Hofmaister: If you restore the building to what the picture was – what would you have to do to keep it from happening again.

Mr. Carter: We have more modern methods. There is going to be wall ties and properly sheaved.

Mr. Ricketson: Even if you put the parapet back on?

Mr. Carter: I'm sure the parapet will last a number of years and we will do it better than they did it back then. Part of the reason it failed was due to that design. If there was a roof on the church that brick would still be sitting up there. We wouldn't have had 500 feet falling off there. Seven thousand (7000) bricks came off there.

Mr. McCleery: Yes they did. Literally.

Mr. Carter: It's not a great situation and part of the reason that happen was due to the parapet wall design failure, as per the engineers.

Ms. Ricketson: I've seen SHIPO before and if this building is sitting on some list/some place as historic, and they had the question from google earth as to what it looked like and what happen to all that, we now understand it happened in the fall and had to be taken off and part of the cause. I can't believe SHIPO will come back and approving anything that isn't like material. That is just from what's I've seen over 14 years of sitting on this board.

Mr. Carter: It's not historic building but in the district.

Ms. Ricketson: My understanding is that building is sitting on some list and I don't know how it got on that list for NYS as a historic building. Whether there was some grant funding at some point and then they had to be listed as that but it's listed on NYS list as a historic building. Isn't that what we were told?

Mr. Farrington: It got referred here from the Building Inspector based on some designation it's historic. That's all I know.

Ms. Ricketson: You might want to check with the Building Inspector's Office too.

Mr. Carter: The first time we spoke of it was the day after the incident. They said it was in the district but not a register as a historical building.

Ms. Ricketson: OK.

Mr. Carter: So like materials we have to go back with brick all the way.

Ms. Ricketson: Right and put the parapet back too.

Mr. Carter: The parapet as well.

Ms. Ricketson: And actually after seeing that goggle earth that makes that building look really part of the downtown feeling. It's not on historic register but all the other brick and everything else with the detail up on the roof it fits.

Mr. Carter: Right.

Ms. Ricketson: I understand your concern – just its part of why it failed and probably going to be a maintenance issue for you now that you're aware of this.

Mr. Carter: One thing going forward it's going to take triple the time and probably triple the cost to put it back together. Just so I understand is their determination final or is there any other remedy for me if they say you have to put it back.

Mr. Rotella: It's a recommendation. We can take the recommendation, not take it, modify it.

Mr. Farrington: Any planning board decision can be challenged in the courts through an Article 78 proceeding.

Mr. Carter: I wouldn't go that far. I just didn't know if you had any local discretion to act on your own recommendation as a board.

Mr. Rotella: We're being a little cautious because we've been slapped by SHIPO before from them.

Mr. Farrington: SHIPO aside – what are the thoughts of the board as far as your review, regardless of SHIP.

Ms. Ricketson: Put it back with the brick.

Mr. Worley: I would tend to agree with that to keep the historical nature of that building.

Mr. Abdallah: To stay consistent with previous findings. Yes.

Mr. Ferris: Brick.

Mr. Carter: Let me ask you this. Would it be a possibility to put it back with like materials with brick and do instead of parapet walls – do an overhang like the church has? Would that be an option? Instead of the parapet wall?

Ms. Ricketson: I am going to defer to you guys – can you make it look like it's a parapet wall and it not be one?

Mr. Carter: It's either going to look like a parapet wall or a gable end like the church. One or the other.

Mr. Abdallah: It's going to look like a standard roof overhang on a gable end. And the brick will be able to terminate right at the underside of the roof deck.

Ms. Ricketson: So I guess that answers my question – you can't fake it.

Mr. Abdallah: Right.

Mr. Ferris: What year was the building built?

Mr. Carter: I'm thinking 1890's – 1900's.

Mr. Ferris: But it's all original brick work?

Mr. Carter: Pretty much.

Ms. Ricketson: This is the first brick failure that you're aware of? How long have you owned the building?

Mr. Carter: 10 years probably. This is the first failure.

Ms. Ricketson: That's pretty darn good – over a 100 years.

Mr. Carter: So are we tabling this or is this just how you feel right now regardless?

Mr. Rotella: That's my recommendation. If you guys want to proceed, we can proceed without SHIPO's recommendation. It seems everyone wants to restore back with the brick.

Ms. Ricketson: That's the way I'm feeling right now. If SHIPO comes and blows us completely out of the water with something else...

Mr. Rotella: We don't have to take their recommendation.

Ms. Ricketson: No we don't have to but what I'm saying is I'd like to hear what they have to say.

Mr. Rotella: The board consensus is everybody wants to see it restored back to the way it was.

Mr. Abdallah: The applicant also has the option of also corresponding with SHIPO on any kind of proposal on the building. If you wanted to seriously consider moving forward with an alternative repair plan, you have the option of approaching SHIPO with your repair plan.

Mr. Carter: No I'm confident with the judgment is ruled. I don't really need to do that.

Mr. Worley: I think we're prepared to OK it according to what we have just discussed. That's our comfort level with SHIPO but if you're ok with that we can probably get that done.

Ms. Ricketson: If you want to wait and hear what SHIPO has to say – you can do that too.

Mr. Carter: Technically are you thinking they will say put it back like it was.

Mr. Rotella: Yes.

Mr. Ferris: That's always a safe bet where they are concerned.

Mr. Farrington: The one question was what happened to that parapet wall so it seems like that is what they are looking at and what they are looking for. It's hard to say what they are thinking but that was the one question they came back with is what happened to that wall.

Mr. Rotella: So what do you think Randy do want to move on.

Mr. Carter: The last clarification – in the picture – the top of that parapet wall years ago when it didn't meet the level of review by the rules back then it was stucco'd but the original was all brick. Let's just be done with it and put it back the way it was. Why postpone it 30 days what's going to be....

Ms. Ricketson: Yes and you're pushing on the building season and you want to get your building done.

Mr. Worley: One more question – is your intent to paint that the same color afterword's?

Mr. Carter: Yes.

Secretary: Same color?

Mr. Carter: Yes

Mr. Abdallah: In that goggle earth photo – there are 2 additional windows up top. Are those vents?

Mr. Carter: Yes. I don't know when that happen. Years ago they were windows but at some point before I ever bought it they changed it to vents because the apartments were long done away with.

Ms. Ricketson: So you're putting the vents back in.

Mr. Carter: Right.

***MOTION LONG FORM SEQ:***

***By Mr. Worley, seconded by Ms. Ricketson:***

***Negative Declaration.***

***All in Favor: 7***

***Opposed: 0***

***Motion passed.***

***MOTION ON HSR 124-134 MARGARET ST.:***

***By Mr. Worley, seconded by Mr. Ferris***

***TO GRANT PERMISSION TO MAKE THE REPAIRS AT 124-134 MARGARET STREET, TO INCUDE THE PARAPET TOP OF THE STRUCTURE AND BRING BACK SAME AS THE PICTURE OF GOOGLE EARTH, WITH BRICK MATERIALS, PAINTED THE SAME COLOR, WITH CONCRETE CAP STONE***

***All in favor: 7***

***Opposed: 0***

***Motion passed.***

The third item on the agenda was PB# 2014-15: 5 and 7 Draper Avenue.

A. Short Form SEQR.

B. **PRELIMINARY SUBDIVISION REVIEW:** Request to subdivide 5 foot strip of land from 5 Draper and add to 7 Draper Avenue. **APPLICANT:** Terry & Joanna Goldfarb. **PLAN PREPARER:** Dean Lashway, L.S., PC.

Mr. Goldfarb: I didn't know if I was supposed to take pictures.

Mr. Rotella: You're taking 5' from 5 Draper Avenue and adding to 7 Draper Avenue. What will that do for you.

Mr. Goldfarb: Give us a bigger garage that we had. This garage that came with the house – the house was built in 192 and it had an 11 x 12' so we put our car in there. There was barely enough room to get the door open. It burned in May of this year and we are rebuilding. I would have liked to go 20 or 24 but the zoning said I couldn't. But they said I could build an 18' wide x 24'. We got the variance and they approved both – one for the 5' and to build on the property line. The garage is more in the driveway instead of into my yard.

Ms. Goldfarb: Because we own the property next to it.

Mr. Rotella: How many units are in 5.

Mr. Goldfarb: It's a single family.

Mr. Farrington: Some of the numbers that Dean put together are a little off on the Bulk Control Schedule. He wrote that 5 is an 8,000 square feet lot and that there is only 785 square feet per dwelling unit but there's not. There is only one dwelling unit so there is 8,000 square feet per dwelling unit. I will write a few comments and send it back to Dean so he can correct the Bulk Controls table.

Mr. Goldfarb: They made 5 Draper Avenue 60-foot wide and 7 Draper Avenue (our house) is 40'. It would have been nice if they did 50 and 50.

Mr. Ferris: So what building do you live in?

Mr. Goldfarb: 7.

Mr. Ferris: And you rent 5?

Mr. Goldfarb: Yes.

Mr. Ferris: I don't see a problem with this. Does anybody have a question on it?

Ms. Ricketson: It's the garage that's going to be right on the property line?

Mr. Goldfarb: Yes that's correct.

Mr. Ferris: Right on the property line?

Mr. Goldfarb: The old garage was right on the property line and I asked them for a variance to build the new garage on the new property line, which is 5'. I wanted 10' but they wouldn't allow that. In case I ever wanted to sell that property.

Mr. Hofmaister: What would it take to get a lot line adjustment ordinance so the City Engineer can do this discretionary instead of bring it before the board. This is pretty slam-dunk frankly.

Mr. Rotella: With that being said, can I get a motion on the SEQR.

Mr. Abdallah: Shouldn't we reference the zoning variance on the subdivision map? So we're clear of the variance that goes with each lot.

Mr. Farrington: If he does it right, he will. Is that the right appeal #?

Secretary: I believe there were 2 appeal numbers.

Mr. Farrington: Clarifies it was Appeal #2002, he has 2001 listed so that's another correction. Unless there was a previous appeal that was granted back in time. I don't know.

Secretary: Look in the front of the minutes. There should be 2 appeal numbers.

Mr. Farrington: In any case, that should be corrected. The variances in according to this was for exceeding the lot coverage by 2.75 total of 197 square feet so the max building coverage is 25% and you would be slightly over.

Mr. Goldfarb: The new garage to build it on the new property line will make it 10' from my rental house and they were happy with that. I wanted to 5' but they said that was too close.

Ms. Ricketson: Especially since you just had a fire.

Mr. Abdallah: Assuming the other variance was for 5 Draper where your lot line is getting closer?

Mr. Goldfarb: I think it was due to me reducing that lot size.

Secretary: The Class B Variance #2001 – was to subdivide substandard lot width from 60' to 50'. An existing structure will be too close to the lot line. Variance #2002 was to erect a new garage too close to the property line and will exceed the maximum lot coverage.

Mr. Farrington: So lot 5 gets reduced in width right now – the side lot line is 11' and that will be reduced to 6' and that's what one variance was granted for.

*MOTION:*

*By Mr. Ferris, seconded by Mr. Gervich*

*Negative Declaration*

*All in favor: 7*

*Opposed: 0*

*Motion passed*

Mr. Farrington: This is preliminary.

Mr. Rotella: Is this preliminary? Does it have to be preliminary?

Mr. Farrington: Yes.

Mr. Goldfarb: Can I ask that you guys make a decision on that tonight – to get the garage going?

Mr. Farrington: No but you can do whatever you want. I know it's not being challenged by anyone.

Ms. Ricketson: We can give them the guidance of what we're going to do but according to code it has to be on the agenda 2 months because it's a subdivision. You have to come for a preliminary and then a final.

Mr. Rotella: What do you want to do. Come back next month.

Mr. Ferris: Is there going to be a problem. Do notices go out about the 500' within the property line?

Secretary: I don't that.

By Mr. Ferris:

***MOTION TO APPROVE THE SUBDIVISION OF 5 TO 7 DRAPER AVENUE AS SUBMITTED***

Mr. Farrington: For the record, I would caution you that the code requires a preliminary and final review of minor subdivisions. It actually requires 3 reviews for major subdivisions and 2 reviews for minor. I understand there is an explanation and you want to approve something quickly without 2 reviews but I would caution you that this creates a precedence. How are we ever going to stick to that code ever again for a minor subdivision if you approve this tonight. Now do whatever you want but for the record I want you to know the code requires a preliminary and final review.

Mr. Worley: That's my issue I have.

Ms. Ricketson: You only have a motion on the table correct?

Secretary: I have no second.

Ms. Ricketson: Does anybody want to second that motion to approve?

*No second on the motion.*

Mr. Rotella: Bill I need you to withdraw your motion.

Mr. Ferris: I withdraw the motion.

Mr. Rotella: We'll see you next month.

Ms. Ricketson: But can we send them off with that we're not having any problem with this – and give this a positive next month.

Mr. Hofmaister: I think our intention is pretty clear.

Mr. Rotella: It's also in the minutes.

Ms. Ricketson: Well I sat here and thought I understood what this board said many of times and then the next month we come back and all of a sudden they have flipped-flop completely. I'm just asking all my fellow board members did I hear you correctly that yes we have no problem.

Mr. Farrington: I would also stop short of an implicit approval. You don't want to imply an approval. Review happens for a reason and to go and apply this month and then next month a question might come up with a minor adjustment or what have you and now you have an implied approval so I think it's clear there is no major issues.

Mr. Goldfarb: I totally understand. Honest to god I do. Curtis is waiting for the order for the material. I have a guy that's lined up to help me. What would you do if you were me.

Mr. Farrington: There are a couple of corrections that need to be made on the Bulk Control Table.

Ms. Goldfarb: You only meet once a month? You can't meet sooner?

Mr. Farrington: The zoning board is the bigger hurdle and you've already cleared that so I think you are in pretty good shape to continue with your plans.

Mr. Goldfarb: Thank you.

Mr. Hofmaister: I still do have a question. How would we amend this so that this kind of case could be discretionary with City Engineer?

Mr. Farrington: I guess it would take an amendment to the subdivision code.

Mr. Hofmaister: Where would that be initiated? It wouldn't be initiated by this board would it?

Mr. Abdallah: Is the subdivision ordinance under review at all in terms of the overall..?

Mr. Farrington: No not the subdivision. It's not going to happen as the result of the comprehensive plan that's going on.

Mr. Abdallah: Is there any discussion of re-looking at zoning or subdivision ordinance in the future? Any discussion of that?

Mr. Farrington: Nothing serious right now. When we talk about comprehensive planning, it gets played out through provisions to the zoning code but that is in the early stages of the longer term plan.

Ms. Ricketson: Can it be done piecemeal? Could a recommendation from the board go to the Council and the Council do the steps that they need to and just change that particular part of the code?

Mr. Farrington: You can make a suggestion for a revision.

Mr. Ferris: How often will there be really simple ones like this.

Mr. Farrington: I think there is some value in having an antonymous board. You guys bring at least an element of common sense which we all know engineer's lack. I'm to black and white and by the book with it in pointing out minor discrepancies. Sometimes subdivisions are not always cut and dry.

[Meter 42:00 – Further discussion and hearing of subdivisions.]

Mr. Worley: Asked about the huge renovations to the Williams Street house. They took the 2<sup>nd</sup> floor right off the building. In-between Brinkerhoff and Court. Two doors down from the Catherine Gardens property.

*Motion:*

*To Adjourn:*

*By Ms. Ricketson, seconded by Mr. Worley*

***Adjourned: 7:47 PM***

For the purpose of this meeting, Denise Nephew, Secretary to the was present at this meeting and transcribed these minutes, which are a true and accurate description of the meeting.

Respectfully Submitted,  
Denise Nephew,  
Zoning & Planning Board Secretary